

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Oscar Lee Sykes, Jr.,

Plaintiff,

vs.

Melanie Huggins, in her individual and
official capacity,

Defendant.

C.A. No.: 4:08-03937-RBH

O R D E R

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Report and Recommendation [docket entry #8] was docketed on December 19, 2008 and mailed to the plaintiff on December 22, 2008 [docket entry #9]. On January 15, 2009, [docket entry #11] a motion for extension to file response/reply to Report an Recommendation was filed

by the plaintiff. On January 16, 2009 an order [docket entry #12] was docketed giving plaintiff to January 20, 2009 to respond to the Report and Recommendation. To date, no objections have been filed to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the complaint in this action is hereby DISMISSED without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. BRYAN HARWELL
United States District Judge

Florence, South Carolina
January 29, 2009